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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,887	10/22/2003	John P. Finley	8471-0001CPA	6832
27572	7590	12/30/2005	EXAMINER	
HARNES, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			GUIDOTTI, LAURA COLE	
			ART UNIT	PAPER NUMBER
			1744	
DATE MAILED: 12/30/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/690,887

Applicant(s)

FINLEY, JOHN P.

Examiner

Laura C. Guidotti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-6,10 and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-6, 10, and 15-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
1. Claims 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Veith, USPN 3,740,072, in view of Racina, USPN 3,028,617, and claims 1, 4-5, and 15-18 are unpatentable over Veith in view of Racina in further view of MacDonald, USPN 6,530,105.

Veith discloses the claimed invention including a shoe cleaning apparatus selectively attachable to a vehicle (Column 1 Lines 18-24) that comprises a frame (19) having a forward end including a mounting arm (portion of "19" that has opening "18" includes the mounting arm "11"), the mounting arm including at least one mounting aperture formed thereon (13 or 15), a cleaning unit coupled to the frame (23), a coupling element coupling the mounting arm (fasteners, Column 1 Lines 41-44) that is capable of

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extending through another aperture of a hitch receiver, and a hinge disposed on the mounting arm (17, 18, 20, 21, and 22 assemble to form a hinge, Column 1 Line 47 to Column 2 Line 3) wherein the hinge is disposed on the lower portion (the device hinges at 17, 18). Regarding particularly claims 4 and 15, the frame includes a linking aperture (third unlabeled aperture near "13" or could be "13" or "15") that would be capable of being adapted to cooperate with another device such as a tow bar. The mounting arm includes and defines a stepped portion extending perpendicularly between the lower portion and upper portion (upper portion is "12", lower portion is "16", and middle portion is "14", see Figures), the lower portion coupled to and extending from the brush assembly (at the hinge portion near "17" and "18"), the upper portion is capable of being coupled to a hitch receiver (via openings 13 and 15), and the stepped portion is adapted to present the brush assembly at a laterally offset orientation from a vehicle to a ground surface (see Figures). The brush assembly is operable to rotate between a parallel relationship with a ground surface in an operating position and an upright position substantially perpendicular to the ground surface in a storage position (see arrow showing movement in Figure 2). Veith includes rubber nipples (27) to clean and remove slush or foreign matter from a shoe sole (Column 2 Lines 9-13). Veith states that the cleaning device is to be mounted on the lower channel groove of a door opening (Column 1 Lines 5-9), and does not include a hitch receiver.

Racina discloses a golf shoe cleat cleaner wherein the cleaning portion is brush bristles (10, 10a) for removing debris and mud from soles of a person's shoes (Column 2 Lines 62-66).

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MacDonald discloses a shoe cleaner to be mounted on a golf cart frame or bumper via a mounting bracket (50; Column 4 Lines 17-19). The mounting bracket (50) is considered to be a "hitch receiver" and it further defines an aperture (unlabeled, see Figure 2) so that a coupling element (such as any of the fasteners disclosed) couples a mounting arm (14) to a "hitch receiver" (Column 4 Lines 4-19).

It would have been obvious for one of ordinary skill in the art to substitute the cleaning elements of Veith for a brush having bristles, as Racina teaches, in order to remove debris and mud from a person's shoes or golfing cleats and also it would have been obvious for one of ordinary skill in the art to mount the cleaning apparatus of Veith and Racina by employing a hitch receiver, as MacDonald teaches, in order to mount a shoe cleaning device to a rear of a vehicle for a user to clean their shoes at that location.

Applicant's Arguments

2. In the response of 16 February 2005, the Applicant contends that none of the prior art, specifically Veith and Racina includes a hitch receiver disposed on the rear of the vehicle, the hitch receiver defining an aperture. Also, the Applicant asserts that the hinge of Veith is formed with both the lower and the stepped portion.

Response to Arguments

3. Applicant's arguments with respect to claims 1, 4-5, and 15-18 have been considered but are moot in view of the new ground(s) of rejection.

4. Applicant's arguments regarding claims 6 and 10 filed 20 June 2005 have been fully considered but they are not persuasive.

Claim 6 recites in Lines 6-7 that "...said mounting arm further comprising a hinge disposed on said lower portion..." As mentioned above, and further by the Applicant in the response of 20 June 2005 (page 8 second paragraph), the hinge is disposed on both the lower portion and the stepped portion. The claim does not exclude that hinge is disposed on *only* the lower portion.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Guidotti whose telephone number is (571) 272-1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LCG
LCG

21 December 2005



RICHARD CRISPINO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700